

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR- 80219-RLR

UNITED STATES OF AMERICA

v.

MICHAEL GORDON DOULGAS,

Defendant.

GOVERNMENT'S UNOPPOSED MOTION TO CONTINUE TRIAL

The United States, by and through the undersigned Assistant United States Attorney, hereby respectfully requests this this Honorable Court enter an Order continuing the trial date presently set for the two-week period commencing September 9, 2024 and continuing the calendar call presently schedule for September 2, 2024, for the following reasons.

1. Through communication with defense counsel, the undersigned provided a deadline of June 28, 2024 to provide notice to the government of the defendant's willingness to plead guilty in an effort to provide the parties time to prepare for trial.
2. On Friday, June 28, 2024, through counsel, the defendant offered that he would plead guilty obviating the need for trial the week of September 9, 2024. That weekend the undersigned Assistant United States Attorney purchased non-refundable tickets to an out-of-district family event for September 12 -15, 2024. Moreover, the undersigned had been (prior to June 28, 2024) asked to participate as an instructor in an out-of-country training related to human trafficking the week of September 2, 2024 and returning on September 9 or 10, 2024. Upon being advised the defendant would plead guilty, the undersigned confirmed participation in that event which was passed along to the host country.

3. On Monday, July 1, 2024, the undersigned provided a plea agreement and factual proffer to counsel for the defendant. However, on Tuesday afternoon, July 2, 2024, counsel for the defendant emailed that the defendant had decided he was “no longer ready to plead guilty at this moment and wants more time to consider his options.” The next day, July 3, 2024, the undersigned filed a motion to extend the July 5, 2024 pre-trial motions deadline, which this Court granted and extended until July 19, 2024, noting the recent change in events (DE 43).

4. Counsel for the defendant and the undersigned, being aware of the undersigned Assistant United States Attorney’s conflict for the week before and during September 9, 2024, discussed the matter of the trial and pray upon this Court to continue to the matter until November 18, 2024. The two-month extension is requested based upon the following information.

5. The parties have been advised that this Court is presently scheduled to conduct the Jury trial in *United States v. Session*, 22cr14074-AMC on September 9, 2024. The parties have been further advised that the government attorneys in the *Sessions* matter discussed readiness-for-trial with defense counsel, and confirm the *Sessions* matter will proceed to trial as scheduled on September 9, 2023 and is expected to last three (3) weeks through the week of and including September 23, 2024. The undersigned has been advised that the matter is older than Mr. Douglas’ case, has been continued several times, and the defendant has been in custody longer than Mr. Douglas.

6. In addition to this scheduling conflict for the weeks of September 9, 16, and 23, 2024 the following additional conflicts exist:

a. The week of September 30, 2024, includes the Jewish holiday of Rosh Hashana for which the undersigned is prohibited from working beginning in the late afternoon of October 2 through October 4, 2024, and thus is only available for trial Monday, Tuesday and half

of Wednesday of that week.

b. The week of October 7 and October 14, 2024, counsel for the defendant, Mr. John Kirby (who resides and practices in Southern California), will be preparing for a three-week long trial in *United States v. Bhakta*, 21-33352-JLA before the Honorable Judge Janis Sammartino in the Southern District of California, specially set to begin on October 21, 2024. Mr. Kirby has advised that he has put aside these two weeks to prepare the matter for this complex money laundering and securities fraud trial as the case is more than two and one-half years' old, he came into the case 21 months after the defendant was arrested, and he is obligated to prepare the best possible defense for his client to prepare

c. At the same time, the week of October 14, 2024, includes the Jewish holiday of Sukkot for which the undersigned is prohibited from working beginning in the afternoon of October 16 through October 18, 2024, and thus is only available for trial Monday, Tuesday and half of Wednesday of that week.

d. The week of October 21, 2024, includes the Jewish holidays of Shmini Atzeret and Simchat Torah for which the undersigned is prohibited from working beginning in the afternoon of October 23 through October 25, 2024, and thus is only available for trial Monday, Tuesday and half of Wednesday of that week.

e. Moreover, the government's case agent, who is also the lead and necessary witness for the United States, has been detailed out of the district by her agency, Homeland Security Investigations, for security detail for the candidates in the upcoming Presidential Election for the weeks of October 14, October 21 and October 28, 2024, and will not be available.

f. Mr. Kirby, counsel for the defendant, will be unavailable, as noted above, the weeks of October 21, October 28, and November 4, 2024 as he is in trial in *United States v.*

Bhakta, 21-33352-JLA (S. Dist. CA). Mr. Kirby has advised that the trial may continue into the week of November 11, 2024.

7. The government (and possibly the defendant) will have witnesses that will need to fly from the Southern District of California and having a trial certain date in November will accommodate those witnesses. Thus, the parties are requesting this Court continue the trial to the week of November 18, 2024.

8. The defendant has previously moved to continue the trial one time (DE 26) without objection by the government, which the Court granted (DE 27). This motion is for the purposes of delay, but to provide the parties an agreeable time to represent each other's respective sides to the fullest ability possible and without interruption do to scheduling or religious conflicts..

9. Only twenty-six (26) days of time from the speedy trial clock have elapsed (DE 71).

WHEREFORE, the undersigned has conferred with defense counsel, John Kirby and John Howes, who agree with, have no objection to, and join in this request to continue the jury trial, on behalf of their client, to November 18, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 29, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/Gregory Schiller
Gregory Schiller
Assistant United States Attorney